# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/074,585 | 02/12/2002 | Jerry Kupsh | 3356/OK222 | 5374 |

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| 7590      06/03/2005 | EXAMINER |
| DARBY & DARBY P.C.<br>805 Third Avenue<br>New York, NY 10022 | PEREZ, JULIO R |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2681 | |

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
| :---: | :--- | :--- |
| **Office Action Summary** | 10/074,585 | KUPSH, JERRY |
| | Examiner | Art Unit |
| | Julio R Perez | 2681 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *13 October 2004*.

2a)☒ This action is **FINAL**.    2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1,3,5-9 and 12-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5-9 and 12-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

1.      Applicant's arguments filed on 12/13/04 have been fully considered but they are

not persuasive.

Further, the applicant argues Alperovich et al. do not teach in which a telephone

number associated with an SMS message is determined by searching in a

"callback_num" parameter associated with the SMS message and extracting one

telephone number from the callback_num parameter.

However, the examiner respectfully disagrees. The previous is a new limitation

added, and it is covered in the new rejection below. Furthermore, a screening

mechanism determines the selection of acceptance for the SMS to be transmitted to the

recipient by extracting the origin identifier number from the SMS message. The origin

identifier being the MSISDN or IMSI number, which is associated with the SMS sent by

an originator, is the *string containing the phone number to be dialed in a reply to the*

*MSS message, and which corresponds to the "callback_num," in the Network Message*

*Information fields.* Thus, the one number, being within the callback_num, associated

with the SMS is screened (col. 3, lines 24-49; col. 4, lines 28-36col. 6, lines 16-21).


### *Claim Rejections - 35 USC § 102*

2.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.      Claims 1,3, 5-9, 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated

by Alperovich et al. (6101393).

Regarding claim 1, Alperovich et al. disclose a method for preventing delivery of

selected SMS messages, comprising the steps of: receiving an SMS message destined

for an end user (col. 3, lines 27-30, a message is transmitted to a user); determining

that one or more telephone numbers are associated with the SMS message by

searching in either a "short message" parameter or a "callback num" parameter

associated with the SMS message (col. 3, lines 27-49; col. 4, lines 28-36, the

transmitted message goes along with the origin phone number sent from the sender);

comparing the one or more telephone numbers to a plurality of predetermined

telephone numbers (col. 3, lines 50-54; col. 4, lines 28-36; col. 5, lines 12-21; col. 6,

lines 7-21, the phone number is screened in the screening mechanism located in the

HLR, which extracts the or phone number coming along with the message, which in turn

determines if the message should be accepted or rejected), and selectively preventing

delivery of the SMS message to the end user if any of the one or more telephone

numbers associated with the SMS message matches any of the plurality of predefined

telephone numbers in the list (col. 4, lines 28-56; Fig. 3; Fig, 4, refs. 220-230-240; col.

5, lines 4-21; col. 6, lines 7-21, the SMS is screened to check if it is listed on the

acceptance or rejection list to conclude his delivery or deletion).

Regarding claim 3, Alperovich et al. disclose the method, wherein the searching

the short message parameter of the SMS message for a plurality of numbers having a

predefined pattern (col. 4, lines 28-36; col. 5, lines 12-21, the identity, of the sender, is determined by extracting the origination MSISDN or IMSI).

Regarding claim 5, Alperovich et al. disclose the method, wherein the determining step comprising the step of searching for the one or more telephone numbers in the short message parameter (col. 3, lines 27-49; col. 4, lines 28-36, the transmitted message goes along with the origin phone number sent from the sender); and searching for the one or more telephone numbers in the "callback num" parameter (col. 4, lines 28-36; col. 5, lines 12-21, a callback_number, which corresponds to the origin identifier, is identified).

Regarding claim 6, Alperovich et al. disclose the method, wherein the predefined pattern includes one of a group of 7 and10 numbers (col. 4, lines 28-36; col. 5, lines 12-21, in the case of a mobile sending the message, the mobile station integrated services digital network (MSISDN) number is comprised of 10 numbers, including the area code, from which the originator is calling from).

Regarding claim 7, Alperovich et al. disclose the method, wherein the plurality of: predefined telephone numbers are stored in a list and wherein the list is periodically updated (col. 5, lines 51-66, the numbers on the delivery list may be updated per the procedure depicted).

Regarding claim8, Alperovich et al. disclose the method, wherein the preventing step includes deleting the SMS message (col. 4, lines 63-67; col. 5, lines 1-3, message is deleted if it determined not to be accepted).

Regarding claim 9, Alperovich et al. disclose the method, including the further

step of sending a message to the originator of the SMS message informing the sender

that the SMS message has been deleted (col. 5, lines 45-50, a acknowledgement is

sent to the originating MS).

Regarding claim 12, Alperovich et al. disclose, a system for preventing delivery of

SMS messages, comprising: one or more network processing devices (col. 2, lines 64-

66; col. 3, lines 1-49; Fig. 2, a number of SMSC may be spread around the network);

and a list of predefined telephone numbers (Fig. 2, refs. 220-230); the one or more

network processing devices operative to: receive data from a sending device, the

received data including a message destined for an intended SMS receiving device, the

data further being associated with a short message parameter and a callback_num

parameter (col. 3, 24-49; col. 4, lines 28-36; col. 6, lines 16-21; Fig. 2, a message is

transmitted to a user (22), which is an SMS-capable unit, which includes a

callback_num string for dialing a reply); extracting one or more telephone number from

the received data (col. 4, lines 28-36; col. 5, lines 12-21); comparing the extracted one

or more telephone numbers to the list of predefined telephone numbers (col. 3, lines 50-

54; col. 4, lines 28-36; col. 5, lines 12 - 66, the phone number is screened in the

screening mechanism located in the HLR, which extracts the or phone number coming

along with the message, which in turn determines if the message should be accepted or

rejected); and selectively preventing delivery of the a message to the intended SMS

receiving device if any of the one or more telephone numbers matches any of the

telephone numbers in the list of predefined telephone numbers (col. 4, lines 28-56; Fig.

3; Fig, 4, refs. 220-230-240; col. 5, lines 4-21; col. 6, lines 7-21, the SMS is screened to check if it is listed on the acceptance or rejection list to conclude his delivery or deletion).

Regarding claim 13, Alperovich et al. disclose the system, wherein the one or more network processing devices comprises a short message service center (SMSC) (col. 3, lines 24-49; Figs. 1-2, the system comprises a SMSC).

Regarding claim 14, Alperovich et al. disclose the system, wherein the one or more network processing devices comprises an SMSC and a database remote from the SMSC (col. 3, lines 14-30, Fig2. 1-2, the system include an SMSC and a screening database, which is collocated within an HLR).

## *Conclusion*

4.      **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action.  In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.  In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
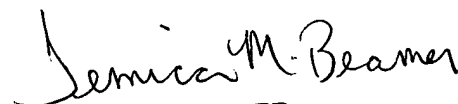
5.     Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Julio R Perez whose telephone number is (571) 272-

7846.  The examiner can normally be reached on 7:00 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Emmanuel Moise can be reached on (571) 272-3865.  The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JP
5/31/05

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PRIMARY EXAMINER